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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,381	01/11/2002	Hiroyuki Nishida	Q68032	5497

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

WEEKS, GLORIA R

ART UNIT PAPER NUMBER

3721

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,381

Applicant(s)

NISHIDA, HIROYUKI

Examiner

Gloria R. Weeks

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-16 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on August 21, 2006 has been entered.

2. Claims 1 & 3 have been amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 17 are rejected under 35 U.S.C. 103(a) as being anticipated by Katz et al. (USPN 4,939,888) in view of Loree et al. (USPN 5,878,554).

Regarding claims 1, 2 and 17, Loree et al. teaches a sheet packaging system comprising a covered sheet stack producing means (52) having plural modules with pallets (58) for drawing (28) the stacked sheets (60), placing a protective cover (box lid) on the stacked sheets, at least one portion of the protective cover being bent temporarily (column 4 lines 30-32), and folding a protective cover (18) around at least a portion of a stack of sheets (60; column 4 lines 56-60); and packaging means (72) in series with the covered sheet stack producing means (52), wherein the packaging means (72) for individually bagging each covered sheet stack (70) to obtain a sheet package (94).

Loree et al. does not disclose a cutting and stacking means. Katz et al. discloses a sheet package producing system, comprising: cutting and stacking means (44) having plural modules with pallets (42) for forming sheets by cutting continuous sheets (30) at a regular length, and for stacking only the individual sheets (40) in a predetermined number directly on a pallet (42) to form stacked sheets (46); a covered sheet stack producing means (50) and a packaging means (58). Although Loree et al. indicates that the stacks are previously formed prior to being conveyed to the covered sheet stack producing means and the packaging mean, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Loree et al., to include the cutting and stacking means of Katz et al. , since Katz et al. teaches that it is well known in the art to provide a sheet package producing system with a cutting and stacking means to form the stacks prior to packaging.

Allowable Subject Matter

5. Claims 3-16 are allowed.

Response to Arguments

6. Applicant's arguments, see pages 10-12, filed August 21, 2006, with respect to claims 1-4 and 17 rejected in view of Morimoto et al. have been fully considered and are persuasive. The 35 USC § 102(b) rejection of claims 1-4 and 17 have been withdrawn.

7. Applicant's arguments with respect to claims 1-2 rejected in view of Loree have been fully considered but they are not persuasive.

Applicant has argued that Loree fails to disclose a covered sheet producing means that places a protective cover "on" the stacked sheets, however, Examiner has found that the folding of

the protective cover on which the stacked sheets are placed to form a lid meets Applicant's claimed limitation of placing the protective cover "on" the stacked sheets.

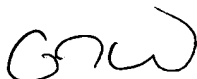
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on M-F 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gloria R. Weeks
Examiner
Art Unit 3721


grw
August 29, 2006


SCOTT A. SMITH
PRIMARY EXAMINER